

Remarks

Claims 1-8 are pending in the present application. By this amendment, claim 1 has been amended and claims 2-8 have been added. No new matter is believed added.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph. In particular, the Examiner asserts that there is "insufficient antecedent basis" for the feature "the delivery monitoring service" in line 10 of claim 1. Applicants have amended claim 1 for clarification under 35 U.S.C. 112, second paragraph.

Claim 1 is rejected under 35 U.S.C. 102(b) over Scholl et al. (US 5,742,762), hereafter "Scholl." This rejection is defective because Scholl fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 102(b).

Regarding claim 1, Scholl fails to teach or suggest, among other features, the claimed "means for managing and controlling the network resources and handling a delivery monitoring service of said packets on the network according to said resources, comprising: a receiving stage for receiving incoming packets from the network; an analysis stage for analyzing the incoming packets; a statistics processing stage for computing statistics based on analysis provided by the analysis stage; and a formatting stage for creating packets to be sent toward said network."

In the Office Action, the Examiner alleges that the claimed "means for managing and controlling the network resources ..." is disclosed in the Summary and column 9, lines 1-30, of Scholl. Applicants disagree and submit that the cited sections of Scholl do not disclose all of features included in the claimed "means for managing and controlling the network resources ..."


Moreover, regarding the newly added dependent claims, Applicants submit that Scholl fails to teach or suggest, the use of real-time protocol (RTP) and real-time control protocol (RTCP) as claimed.

Accordingly, since Scholl fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 102(b), Applicants respectfully submit that claims 1-8 are allowable.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: 11/24/04


John A. Merecki
Reg. No. 35,812

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile